

Senate Bill 429

By: Senators Bulloch of the 11th, Goggans of the 7th, Douglas of the 17th, Heath of the 31st and Hudgens of the 47th

AS PASSED

AN ACT

To provide for enforcement of laws governing matters within the jurisdiction of the Commissioner of Agriculture or the Department of Agriculture; to provide for certain other related law enforcement powers; to amend Part 1 of Article 1 of Chapter 4 of Title 4 of the Official Code of Georgia Annotated, relating to control of infectious or contagious diseases in livestock generally, and Chapter 2 of Title 2 of the Official Code of Georgia Annotated, relating to the Department of Agriculture, so as to redesignate and change certain provisions relating to enforcement of laws relating to control of infectious or contagious diseases in livestock generally; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 1 of Chapter 4 of Title 4 of the Official Code of Georgia Annotated, relating to control of infectious or contagious diseases in livestock generally, and Chapter 2 of Title 2 of the Official Code of Georgia Annotated, relating to the Department of Agriculture, are amended by redesignating and revising Code Section 4-4-5, relating to enforcement of laws relating to control of infectious or contagious diseases in livestock generally, as follows:

" 2-2-13.

(a) The Commissioner shall be vested with police powers to enforce those laws governing matters within the jurisdiction of the Commissioner or the department as provided by this title and Titles 4, 10, 26, and 43 and the rules and regulations adopted pursuant thereto and to prevent, detect, and respond to acts of bioterrorism, other terroristic acts or threats, or natural disasters affecting or potentially affecting plants, animals, products, or facilities that are subject to regulation by the department.

(b) The Commissioner shall be authorized to employ, designate, and deputize investigators and to delegate to such employees of the department the necessary authority to enforce those laws governing matters within the jurisdiction of the Commissioner or the department as provided by this title and Titles 4, 10, 26, and 43 and the rules and

regulations adopted pursuant thereto and to prevent, detect, and respond to acts of bioterrorism, other terroristic acts or threats, or natural disasters affecting or potentially affecting plants, animals, products, or facilities that are subject to regulation by the department. Employees who have been so designated by the Commissioner and who have been certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course of training required by Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' shall be authorized:

- (1) To carry firearms authorized or issued by the Commissioner while in the performance of their duties;
 - (2) To inspect plants, animals, products, or facilities when the same are subject to regulation by the department;
 - (3) To stop and inspect any vehicle transporting plants, animals, or products when the same are subject to regulation by the department;
 - (4) To inspect and require the production of health certificates, waybills, permits, or other documents required by federal or state laws, rules, regulations, or orders for the transportation of plants, animals, or products when the same are subject to regulation by the department;
 - (5) To protect any life or property when the circumstances demand action; and
 - (6) To arrest any person found to be in violation of a criminal law when enforcement of such law is authorized under this subsection.
- (c) From funds appropriated or available to the department, the Commissioner shall be authorized to provide motor vehicles, uniforms, firearms, and any other equipment and supplies needed by employees of the department to carry out this Code section.
- (d) This Code section shall not repeal, supersede, alter, or affect the power of any other law enforcement officer of this state or of any county, municipality, or other political subdivision of this state. At the request of the Commissioner of Agriculture, it shall be the duty of all state, county, municipal, and other law enforcement officers in this state to enforce and to assist the Commissioner and the employees and agents of the department in the enforcement of those laws governing matters within the jurisdiction of the Commissioner or the department as provided by this title and Titles 4, 10, 26, and 43."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.